





Instructor and User Warnings, Risks, Liability Release and Covenant Not to Sue



TASER International, Inc. (TASER) does not require a TASER® electronic control device (ECD) electrical discharge (TASER ECD Exposure) as a condition for Instructor or User Certification. It is up to each agency's policy to determine whether its instructors and users experience a TASER ECD Exposure as part of their training. If TASER ECD Exposures are performed, they must be performed by a TASER certified instructor¹ or an authorized TASER distributor (for non-US ECD training classes only). This document incorporates all current TASER ECD warnings by reference.²

PRIOR to any TASER ECD Training and PRIOR to any TASER ECD Exposure, all persons MUST: (1) read the most current TASER ECD warnings; and (2) read and sign this form.

IMPORTANT ECD PRODUCT SAFETY AND HEALTH INFORMATION

Read, understand, and follow current TASER training, safety instructions, and warnings before experiencing a TASER ECD Exposure and before participating in TASER ECD training. Any use of force or physical exertion involves risks that a person may get hurt or die. This document is effective May 31, 2011, and supersedes all prior revisions.

SAFETY INFORMATION: TRAINING ECD EXPOSURES

XREP® Training Rounds. Do not fire XREP Training Rounds at humans or animals. The XREP Training Round will cause penetration wounds resulting in death or serious injury. The XREP Training Round is intended solely for practice target shooting in order to gain familiarity with the flight profile of the XREP ECD.

Spotters. All persons taking a TASER ECD Exposure must be properly supported by spotters so they do not fall or must be lying down on a mat. Each spotter should hold an upper arm under the armpit, so that the person can be safely supported and lowered to the ground after being hit without twisting or putting undue stress on the arm or shoulder. If probes are deployed in lieu of attaching spent wires or alligator clips, then eye protection is required for both the spotters and the person being exposed. Provided that no probes are attached to the person's arms, there should be no electrical pulses flowing into the spotters and they can safely support the person being exposed without negative impact.

Minors. Because of parental/guardian consent issues, no minor will be exposed to a TASER ECD as part of a training course, demonstration, or otherwise.

SAFETY INFORMATION: ECD KNOWN AND POTENTIAL SIDE EFFECTS

Physiologic or Metabolic Effects. The ECD can produce physiologic or metabolic effects which include, but are not limited to, changes in acidosis; adrenergic states; blood chemistry, blood pressure; calcium, creatine kinase ("CK"); electrolytes (including potassium); lactic acid; myoglobin; pH; respiration; heart rate, rhythm, capture; stress hormones or other biochemical neuromodulators (e.g., catecholamines). Therefore, reasonable efforts should be made to minimize the number of ECD exposures and resulting physiologic and metabolic effects. In human studies of electrical discharge from a single ECD of up to 15 seconds, the effects on acidosis, CK, electrolytes, stress hormones, and vital signs have been comparable to or less than changes expected from physical exertion similar to struggling, resistance, fighting, fleeing, or from the application of some other force tools or techniques. Adverse physiologic or metabolic effects may increase risk of death or serious injury.

Physiologically or Metabolically Compromised Persons. Law enforcement personnel are called upon to deal with individuals in crisis who are often physiologically or metabolically compromised and may be susceptible to arrest-related death ("ARD"). The factors that may increase susceptibility for an ARD have not been fully characterized but may include: a hypersympathetic state, autonomic dysregulation, capture myopathy, hyperthermia, altered electrolytes, severe acidosis, cardiac arrest, drug or alcohol effects (toxic withdrawal or sensitization to arrhythmias), alterations in brain function (agitated or excited delirium), cardiac disease, pulmonary disease, sickle cell disease, and other pathologic conditions. These risks may exist prior to, during, or after law enforcement intervention or ECD use, and the subject may already be at risk of death or serious injury as a result of pre-existing conditions, individual susceptibility, or other factors. In a physiologically or metabolically compromised person any physiologic or metabolic change may cause or contribute to death or serious injury.

Higher Risk Populations. ECD use on a pregnant, infirm, elderly, small child, or low body-mass index ("BMI") person could increase the risk of death or serious injury. ECD use has not been scientifically tested on these populations. The ECD should not be used on members of these populations unless the situation justifies possible higher risk of death or serious injury.

Muscle Contraction or Strain-Related Injury. ECDs can cause strong or moderate muscle contractions that may result in physical exertion, athletic, or sport-type injury, including, but not limited to, injuries such as: hernia rupture, dislocation, tear, or other injury to soft tissue, organ, muscle, tendon, ligament, nerve, bone, or joint; or injury or damage associated with or to orthopedic or other hardware. Fracture to bone, including compression fracture to vertebrae, may occur. These injuries may be more serious and more likely to occur in people with pre-existing injuries, orthopedic hardware, conditions or special susceptibilities, which include but are not limited to, known or unknown: pregnancy; osteopenia; osteoporosis; spinal injury; or previous muscle, disc, ligament, joint, bone, or tendon damage or surgery. Such injuries may also occur when a person reacts to the ECD deployment or discharge by making a rapid movement.

Seizure. Repetitive stimuli (e.g., flashing light or electrical stimuli) can induce seizure in some people. This risk may be increased in a person with a seizure history or if electrical stimuli pass through the head area. This may also result in a person falling with a possible secondary injury.

Stress and Pain. The ECD can cause temporary discomfort and pain which may result in stress, panic, anger, rage, or startle which may be injurious to some people and may cause adverse changes in blood chemistry. Additionally, anticipation of ECD exposure can cause stress, trepidation, panic, startle, or fear, which may also be injurious to some people.

Neurocardiogenic Response (Fainting). A person may experience an exaggerated response to an ECD exposure, or threatened exposure, which may result in a person fainting or falling with possible secondary injury.

Incapacitation, Falling, and Startle Hazard. ECD use may cause muscular contraction, Neuro Muscular Incapacitation (NMI), startling, and falling, which could result in death or serious injury.

SAFETY INFORMATION: ECD DEPLOYMENT AND USE

Minimize Repeated, Continuous, or Simultaneous Exposures. Reasonable efforts should be made to minimize the number of ECD exposures. ECD users should use the lowest number of ECD exposures that are objectively reasonable to accomplish lawful objectives and should reassess the subject's behaviors, reactions, and resistance level before initiating or continuing the exposure.

Sensitive Body Part Hazard. When possible, avoid intentionally targeting the ECD on sensitive areas of the body such as the head, throat, chest/breast, or known pre-existing injury areas without legal justification. The preferred target areas are below the neck area for back shots and the lower center mass (below chest) for front shots. The preferred target areas increase dart-to-heart safety margin distance.

Drive-Stun Mode is Usually Pain Compliance Only. The use of a handheld ECD in drive-stun mode is painful, but also is generally temporary, localized, and does not cause NMI.

SAFETY INFORMATION: PROBE OR ELECTRODE INJURY OR INFECTION

Eye Injury Hazard. If a TASER probe, electrode, or electrical discharge contacts or comes into close proximity to an eye it could result in serious injury, including permanent vision loss. DO NOT intentionally aim an ECD at the eye of a person or animal without justification.

LASER light could result in serious eye injury. The ECD uses a LASER as a targeting aid. Avoid intentionally aiming the LASER at the eye of a person or animal without justification.

Probe or Electrode Injury or Infection Hazard. ECD use may cause a mark, burn, scar, penetration, other skin, or tissue damage or infection. Provide First Aid and medical care as needed.

Scarring. Use of an ECD may cause irritation, puncture, mark, abrasion, rash, burn, keloid, or other scarring that may be permanent. This risk may be increased when using the M26™ or X26™ ECD in drive-stun mode with the cartridge removed or the X30® or X2™ ECD in drive-stun mode due to the multiple sets of electrical contacts. The nature and severity of these effects depends on numerous factors including the area of exposure and method of application, individual susceptibility, and other circumstances surrounding ECD use, exposure, and after care.

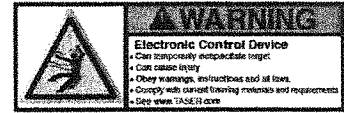
Penetration Injury. The TASER probe has a small dart point which may cause a penetration injury to a blood vessel or internal organ (including lung, bone, or

¹A Certified TASER Instructor possesses and maintains a current TASER instructor certification for the specific product model they are teaching, demonstrating, or using and is required to be fully compliant with TASER's most current training requirements and materials.

²This document does NOT contain all of the current product warnings. The most current product warnings are on www.TASER.com.



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erve). The probe or dart point (which may detach) can also puncture or become embedded into a bone, organ, or tissue, which may require immediate medical attention, surgical removal, or may result in scarring, infection, or other serious injury.

Penetration Injury Care. Injury due to penetration of the probe or dart point into a blood vessel, organ, nerve, or bone may require medical attention. A probe, dart point, or barb embedded in a sensitive area such as the eye, the genital area, breast, neck, throat, or vascular structure may cause serious injury and may require special medical attention and further evaluation.

Probe Removal. Probe removal may cause injury. Leaving a probe in the body may result in pain or injury. In the case of embedment, organ or bone penetration, or probe, dart point, or barb detachment, immediate medical attention and possible surgical removal may be required.

Skin, Wound, or Infection Treatment. ECD use may cause a skin irritation, puncture wound, abrasion, mark, rash, burn, keloid or other scar which may require medical attention and may be permanent. As with any injury of this type, infection or tetanus and resulting complications may occur in some circumstances.

Biohazards. Utilize appropriate biohazard protocols and personal protective equipment including Body Substance Isolation procedures, gloves, masks, and washing of hands and exposed areas as necessary.

Untethered Discharged Probe. In probe deployment, it is possible that a discharged probe that does not impact a subject or target may become untethered from the wire and travel a significant distance. A loose, untethered probe can cause serious injury.

SAFETY INFORMATION: GENERAL PRECAUTIONS

Unintentional Deployment Hazard. Unintentional ECD activation could result in death or serious injury to the user, force recipient, and others.

Store in a Secure Location. Store ECDs, cartridges, and accessories in secure locations inaccessible to children and other unauthorized persons to prevent inappropriate use, which may result in death or serious injury to the user, other persons, or animals. ECDs and cartridges are weapons and are not toys.

Use of ECD's Safety. Always place the ECD safety switch in the down (SAFE) position when the ECD is not in use. Remember to place ECD safety switch in the up (ARMED) position when you intend to use the ECD.

Keep Body Parts away from Front of ECD or Cartridge. Keep your hands and body parts away from the front of the ECD and cartridge, unless instructed otherwise. A discharging ECD or cartridge could result in serious injury.

Avoid Static Electricity. Keep the cartridge away from sources of static electricity. Static electricity can cause the ECD or X26 or M26 cartridge to discharge unexpectedly, which could result in serious injury.

Beware of Electronic Equipment Interference. Interference from electronic transmission equipment in close proximity to the ECD could interfere with the proper operation of the ECD and cause the ECD to discharge. Keep the ECD at least several inches away from other electronic equipment. Place the ECD safety switch in the down (SAFE) position whenever it is immediately adjacent to electronic equipment (including transmitting radios and cell phones). Remember to place the ECD safety switch in the up (ARMED) position prior to attempting use.

Avoid Dropping ECD or Cartridge. If an ECD or cartridge is dropped or damaged it may unintentionally deploy or discharge, become inoperable, or fail to function, making it unsafe for continued use.

Hazardous Substances. The ECD contains components that contain chemicals known to the State of California and others to cause cancer and birth defects or other reproductive harm. Do not disassemble. Refer to your agency's Guidance for proper handling and disposal.

Please fill out the sections below. If you have a condition or pre-existing injury that would be aggravated by muscle contractions, physical exertion, or stress check the appropriate box and notify the Instructor prior to participating in the TASER ECD Exposure or training course.

☐ I agree to participate in the training course but I do NOT agree to be exposed to the electrical discharge of the TASER ECD.

☐ I have no injuries, physical or mental conditions that could be aggravated by muscle contractions, physical exertion, stress, or exposure to the electrical discharge of TASER ECDs.

☐ I have the following pre-existing physical or mental conditions/injuries that could be aggravated by TASER Training or exposure to the TASER ECD:

☐ I freely and voluntarily agree to participate in the training course and be exposed to the electrical discharge of the TASER ECD under the following conditions:

LIABILITY RELEASE, COVENANT NOT TO SUE AND HOLD HARMLESS

In consideration of the use of TASER copyrighted training materials and participation in the training course, I acknowledge and agree as follows:

1. I acknowledge that I have read the above Warnings and Risks and the current TASER ECD warnings and with full knowledge of such risks, I voluntarily agree to participate in the training course and I assume all risks, whether known or unknown, foreseen or unforeseen.

2. For those who will experience a TASER ECD Exposure: I understand that a TASER ECD Exposure results in strong muscle contractions, physical exertion, and stress and involves the risk of physical or other injury. I acknowledge that I have read the above Warnings and Risks and current TASER ECD warnings and with full knowledge of such risks, I voluntarily agree to experience a TASER ECD Exposure and I assume all risks, whether known or unknown, foreseen or unforeseen, inherent in the TASER ECD Exposure.

3. Intending that this form be legally binding upon me, my heirs, executors, administrators, and assigns, I hereby waive, release, and forever discharge the instructor, my law enforcement agency, the TASER distributor, TASER and all of its agents, directors and employees of and from any and all claims, demands, rights and causes of action of whatsoever kind and nature, arising from, and by reason of any and all known and unknown physical and mental injuries and consequences thereof, whether foreseen or unforeseen, suffered by me from any and all activities during the training class, including any TASER ECD Exposure. I specifically waive any statutory rights I may have regarding the release of known or unknown claims.

4. I further agree that neither I nor my heirs, estate, personal representative, nor any other person or entity will ever institute any action, litigation or suit at law or in equity against the instructor, my law enforcement agency, the TASER distributor, TASER and all of its agents, directors and employees for any damages, costs, loss or injury arising out of any and all activities during the training class, including any TASER ECD Exposure.

5. I further agree to indemnify and save harmless the instructor, my law enforcement agency, the TASER distributor, TASER and all of its agents, directors and employees from all liability, loss, costs and obligation of any and every kind on account of or arising out of any injuries or losses incurred by me, however occurring, arising out of any and all activities during the training class, including any TASER ECD Exposure.

6. In signing this form, I agree that I have read and understand this entire form; I affirm that I am competent to agree to, sign, and be bound by this form; I understand that it is a promise not to sue and a release and indemnity for all claims; I further understand that by signing this form I am giving up certain legal rights including the right to recover damages in case of injury; and I agree to abide by the terms and conditions of this form.

7. This release does not release any rights I may have under Workers' Compensation Laws. I waive any Workers' Compensation subrogation rights against TASER. I agree that any recoveries under Workers' Compensation Laws do not change, extend or enlarge the waivers and protections inherent in this agreement.

Date _____ Signed _____

Printed Name _____

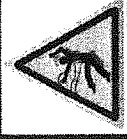
Agency _____

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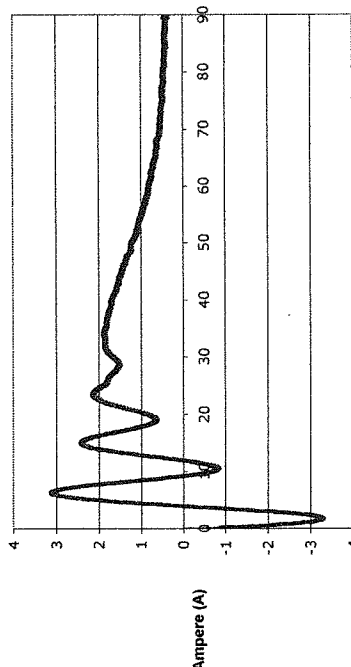
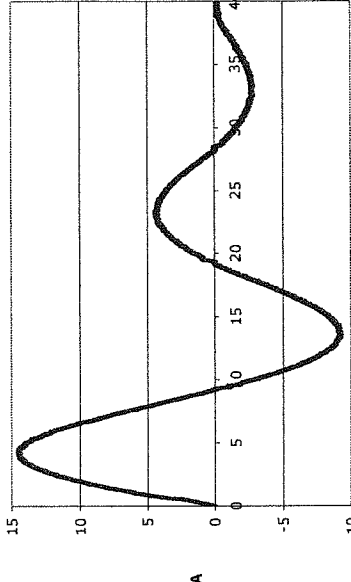
TASER International, 17800 N. 85th St., Scottsdale, AZ 85255, Fax: (480) 905-2027

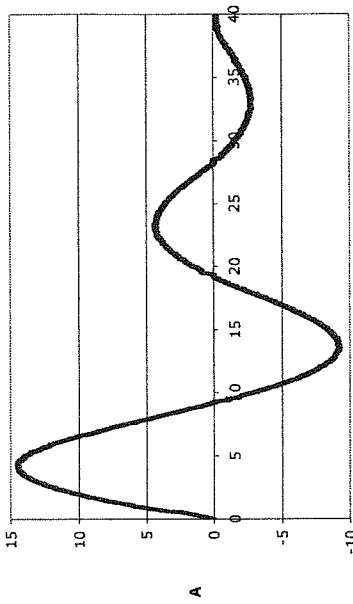


TASER® ELECTRONIC CONTROL DEVICES ELECTRICAL CHARACTERISTICS



WARNING
Electronic Control Device
• Can temporarily incapacitate target
• Can cause injury
• May cause cardiac arrhythmias and all laws
• Comply with current safety standards and requirements
• See www.TASER.com

ELECTRICAL OUTPUT CHARACTERISTIC		TASER® X26	ADVANCED TASER® M26
TASER ECD (Electronic Control Device) Waveforms, Pulse Plots, Pulse Rates			
Waveform	Complex (a single cycle 100 kHz [kilohertz] arcing phase followed by monophasic 100 μ s [microsecond] stimulation phase). 48 μ s decay time constant		
Pulse Plots			
Pulse Rate	19 PPS (pulses per second [s]) crystal controlled	20 \pm 25% PPS with NiMH® rechargeable cells 15 \pm 25% PPS with Alkaline cells	
Pulse Duration	100 μ s	40 μ s full waveform 10 μ s main phase	
Total per second discharge time ("on" time)	0.0019 seconds	0.0008 seconds (at 20 PPS)	
Delivered Energy – Electrical pulse characteristics delivered to body.			
Delivered charge - main phase	100 μ C (microcoulombs), 88 μ C net	85 μ C, 32 μ C net	
Energy per pulse delivered into 400 Ω (ohm) load	0.07 J (joules)	0.50 J	
Current - average over one second - average current is the flow of coulombs - 1 mA (milliamperes) = 0.001 A	2.1 mA or 0.0021 A (average rectified current) 1.9 mA or 0.0019 A (current from main phase which is a better estimate of stimulation capacity)	3.6 mA or 0.0036 A (average rectified current) 1.7 mA or 0.0017 A (current from main phase which is a better estimate of stimulation capacity)	





TASER® ELECTRONIC CONTROL DEVICES ELECTRICAL CHARACTERISTICS



WARNING
Electronic Control Device
- Can cause injury
- Can cause temporary incapacitation and all limbs
- Can cause temporary loss of consciousness and all limbs
- Comply with current safety standards and requirements
- See www.TASER.com

ELECTRICAL OUTPUT CHARACTERISTIC		TASER® X26	ADVANCED TASER® M26
Estimated current density		Estimated maximum current density in the heart is less than 2.7 mA/cm ² for the following conditions: TASER ECD mode: drive-stun, probe placement: frontal chest, subject dimensions: at least 40 cm chest diameter, BMI > 26	
Power output - delivered into 400 Ω load		1.33 W (watts)	7.39 W at 15 PPS
Voltage - peak (into 400 Ω load)		1,200 V (volts)	5,000 V
Voltage - avg. over duration of main phase		400 V	3,400 V
Voltage - avg. over duration of full pulse		442 V	320 V
Voltage - average over one second		0.84 V	1.44 V
Stored Energy – Internal electrical characteristics inside the ECD refer to the electrical current inside the ECD device. Stored energy is not “delivered” into the subject.			
Waveform and stimulation capability with typical 400 Ω load		1 A (average current during 100 μs pulse)	8.5 A (average current during 10 μs main phase) 0.8 A (average current during 40 μs full pulse)
Voltage - peak (open circuit arcing - 2" arc)		50,000 V	50,000 V
Energy per pulse - at main capacitor		0.36 J	1.76 J
Power output - delivered to main capacitor		6.84 W	26 W at 15 PPS
TASER ECD Power Source			
Power source		Digital Power Magazine (DPM) or eXtended DPM (XDPM) Two 3 V photo cells (Duracell® Ultra, CR123A)	8 - AA NIMH® cells (1.2 V per cell) or 8 - AA Alkaline cells (1.5 V per cell)
Expected number of TASER device discharges from fresh battery of cells		Approximately 195 five-second discharges, depending on temperature, battery charge and load characteristics.	200–300 typical, depending on temperature, battery charge and load characteristics.
Expected number of TASER pulses per battery of cells		20,000 pulses (estimate) (19 pps x 5 s = 95 pp/5s; 95 pp/5s x 195 discharges = 18,525 pulses per battery of cells [this can be estimated to 20,000 pulses])	6,000 pulses (M26 with battery of eight NIMH® AA) 1700 mAh (milliampere hour) penlight cells have been tested to continuously discharge for up to 6.5 minutes – which calculates to approximately 6,000 pulses per fresh battery of 1700 mAh cells
All values are nominal. Actual measurements on particular products may vary as a result of many factors including factors outside TASER International's control. Please refer to TASER published product specifications for specified limits, test conditions, and allowed tolerances. Read the manual and product literature. For more information please see current TASER device/product specification sheets, training materials, product manuals, and Web site (www.taser.com). TASER International reserves the right to change or modify this document without notice. TASER is a registered trademark of TASER International, Inc.			



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DATE 1/2/11

CASE NO. IN-11-0001

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IN-11-0001

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PLAINTIFF'S EXHIBIT ^{LM}

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PLAINTIFF'S EXHIBIT	41
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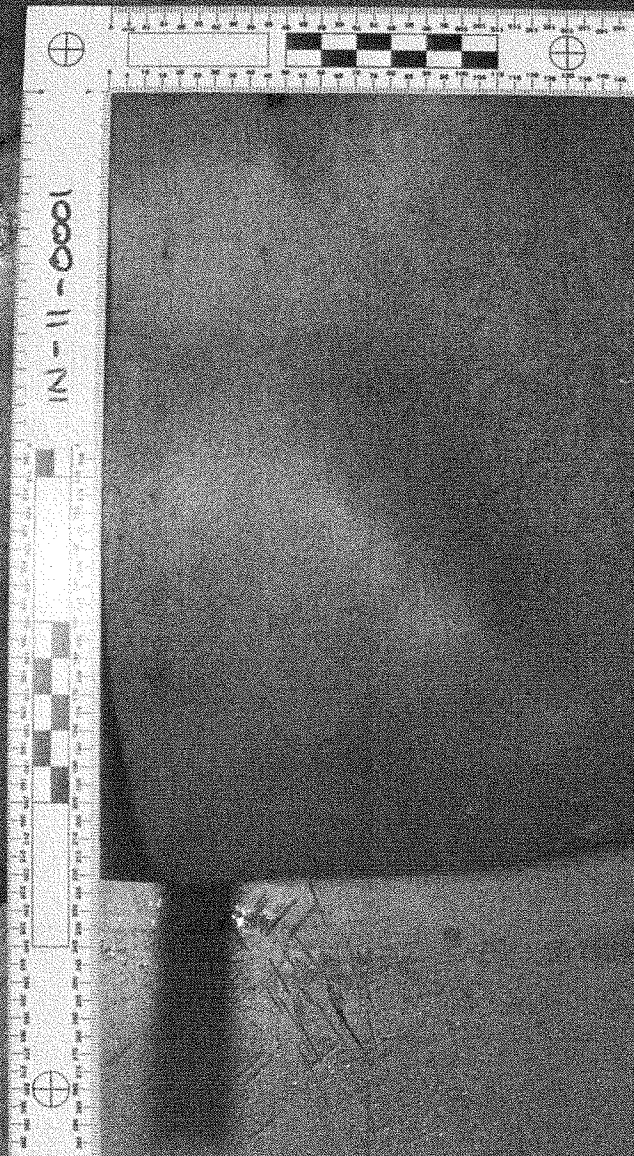
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PLAINTIFF'S
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